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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/643,245 | 08/18/2003 | Douglas A. Stanton | PHN 17,603A | 3280 |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

SMITH, ARTHUR A

ART UNIT PAPER NUMBER

2851

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,245

Applicant(s)

STANTON ET AL.

Examiner

Arthur A Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/18/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al. (US 5675391).

In reference to claim 9, Yamaguchi et al. discloses a method of generating a desired image, comprising: analyzing a first image; first adjusting said first image to a desired contrast to form a second image; and second adjusting said second image for a desired brightness to form said desired image, col. 2 line 64 – col. 3 line 7.

Claims 9-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fergason (US 5717422).

In reference to claim 9, Ferguson discloses a method of generating a desired image, comprising the acts of analyzing a first image, ref. 6, adjusting the first image to a desired contrast to form a second image and adjusting the second image for a desired brightness to form the desired image, col. 3 line 66 - col. 4 line 36.

In reference to claim 10, Ferguson discloses wherein the analyzing act is performed by a regulator, col. 3 lines 46-49.

In reference to claim 11, Ferguson discloses wherein the adjusting the first image to a desired contrast is performed by a light control panel, col. 4 lines 5-9.

In reference to claim 12, Ferguson discloses wherein adjusting the second image for a desired brightness is performed by a light control device, col. 4 lines 21-25.

In reference to claim 13, Ferguson discloses wherein a brightness and a contrast of the desired image are adjusted substantially independently of each other, col. 4 lines 26-30.

In reference to claim 14, Ferguson discloses wherein a contrast of the desired image is independent from a background from a background illumination level, col. 4 lines 30-37.

In reference to claims 15-17, Ferguson discloses wherein the first image does not cover a complete range of gray levels producible by an image processing apparatus performing said first adjusting (lower contrast); the second image covers a larger range of gray levels than the first image, while being within said complete range (higher contrast); and whereby, the desired image has the larger range of gray levels with the desired brightness, col. 12 lines 24-65.

In reference to claims 18, Fergason discloses wherein the second adjusting relates to a second portion of the image processing apparatus (the light source, ref. 2).

In reference to claims 19 and 20, Fergason discloses an image producing device comprising: a video input, ref. 6; at least one light source, ref. 2, having a given normal brightness value; at least one light modulator, ref. 3, responsive to the video input for adding image data from the video input to light from the light source; means for analyzing the video input, ref. 5, to derive a desired contrast and a desired brightness; supplying at least one first control signal to cause the light modulator to be adjusted to achieve the desired contrast but a brightness other than the desired brightness with the light source at the given normal brightness value; supplying at least one second control signal, to cause light source to have a new brightness value in order to achieve the desired brightness in the output image in view of the adjustment of the light modulator and that the output image has both the desired contrast and the desired brightness, col. 3 line 66 - col. 4 line 36.

Response to Arguments

Applicant's arguments filed 8/18/03 have been fully considered but they are not persuasive. Applicant contends that the Fergason reference fails to teach that the contrast is adjusted but instead Fergason teaches that the contrast remains the same. The Examiner believes this is an improper interpretation of Fergason. Looking at col. 1 lines 31-37, Fergason teaches that a less favored way of adjusting the brightness of the scene is to lower the transmittance of the light modulation since this results in a loss of contrast. Therefore, Fergason's preferred method is not to lower the transmittance of

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the light modulation panel but instead to increase it and thereby producing a better contrast, col. 4 lines 5-9. As a result of this, Ferguson teaches that in order to now reduce the brightness of the image the light source should be adjusted, col. 4 line 1-5, and therefore this method would produce an image at a optimum brightness (accomplished through the light source) and optimum contrast (accomplished through the light modulation panel), col. 4 lines 26-29.

Further, in regard to col. 12 lines 57-65 of Ferguson, the display shade of grey is only maintained for that specific image. What Ferguson, is teaching is that the display shade of grey should be maximized for the optimum contrast and not brightness. The brightness of the image will be optimized through the adjustment of the lamp.

In reference to claim 10, the Applicant has defined a regulator to mean the, video signal, video analyzer, the light control device light module, and the light modulation amplifier, see page 3 lines 22-27. Hence, ref. 5, ref. 6, col. 3 lines 46-49 and col. 4 lines 1-5 of Ferguson reads on the limitation of a regulator.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (571) 272 2129. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 571-272-2112. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur A. Smith
March 5, 2004